

REMARKS

Status

This Amendment is responsive to the Office Action dated October 19, 2006, in which Claims 1-2 and 4-9 were rejected and 3 and 10 are objected to. No claims have been canceled; Claims 1, 5, 6, and 10 have been amended; and new Claims 11 and 12 have been added. Accordingly, Claims 1-12 are pending in the application, and are presented for reconsideration and allowance.

Claim Rejection - 35 USC 112

Claim 6 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 has been amended to clarify the ratio, and as amended, Claim 6 is believed to be definite and distinctly claim the subject matter. Withdrawal of the rejection is respectfully requested.

Allowable Subject Matter

Claims 3 and 10 stand objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. Claim 3 has been rewritten in independent form as new Claim 11, and Claim 10 has been amended to be dependent on allowable Claim 11. Accordingly, Claims 10 and 11 are believed to be in condition for allowance.

Claim Rejection - 35 USC 103

Claims 1-2 and 5-9 stand rejected under 35 USC 103 as being unpatentable over US Patent No. 6,775,399 (*Jiang*) in view of EP Patent No. 1256907 (*Dewaele*). As best understood, the Office Action's position is that *Jiang* fails to specifically disclose regenerating the background of the image by region growing, but that "it was well known in the art to provide for regenerating a background of an image by region growing, as taught by" *Dewaele*. This rejection is respectfully traversed.

The present invention is directed to a method of segmenting a radiographic image into diagnostically relevant and diagnostically irrelevant

regions. The method includes the steps of detecting an initial background left point of a histogram of an image, and detecting the foreground of the image using the initial background left point (emphasis added). As such, the present invention uses the background to detect the foreground.

This feature is not taught or suggested by *Jiang* or *Dewaele*. In *Jiang* at step 304, *Jiang* detects and removes the collimated regions to obtain the foreground (Col. 4, lines 55-64). Then, at step 310, the background (i.e., direct exposure (DE)) regions are detected and removed. See *Jiang*'s Figure 3 and Col. 6. There is no teaching or suggestion in *Jiang* to use the background to detect the foreground. Nor is this claimed feature taught or suggested in *Dewaele*, as noted in the Office Action referencing Paragraphs 39 and 59 of *Dewaele*.

Further, it is not obvious to combine the references as suggested by the Office Action since there is no motivation in *Jiang* to regenerate the background. That is, *Jiang* obtains the foreground (step 304) and background (step 310), and there is no motivation in *Jiang* to regenerate the background. Absent some teaching, suggestion, or incentive supporting the combination, obviousness cannot be established. Since such a showing is absent, it appears that the Examiner has used Applicant's teaching to hunt through the prior art for the claimed elements and combine them as claimed by Applicant.

Still further, *Dewaele* employs region growing, but *Dewaele* is not directed to the regeneration of the background. As noted in Paragraphs 39 and 59 of *Dewaele*, *Dewaele* uses a seed fill algorithm to "extract the background region", not regenerate the background as claimed in Claim 1. Thus, even if for argument purposes only, the references were combined as suggested in the Office Action, the present invention as claimed in Claim 1 would not result since *Dewaele* does not teach or suggest regeneration of the background.

For the reasons set forth above, Claim 1 is not obvious from the cited references, whether taken alone or in combination, and as such, Claim 1 is believed to be patentable.

Claims 2 and 5-9 are dependent on Claim 1, and therefore include all the features thereof. For the reasons set forth above with regard to Claim 1, Claims 2 and 5-9 are also believed to be patentable.

Claim Rejection - 35 USC 103

Claim 4 stands rejected under 35 USC 103 as being unpatentable over US Patent No. 6,775,399 (*Jiang*) in view of EP Patent No. 1256907 (*Dewaele*) and further in view of US Patent No. 6,212,291 (*Wang*). This rejection is respectfully traversed.

Claim 4 is dependent on Claim 1, and therefore include all the features thereof. For the reasons set forth above with regard to Claim 1, Claim 4 is also believed to be patentable.

New Claim 12

New Claim 12 is dependent on independent Claim 1, and is believed to be patentable for the reasons set forth above with regard to Claim 1.

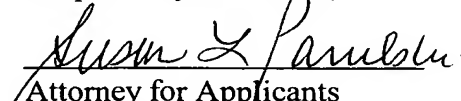
Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,



Attorney for Applicants
Registration No. 39,324

Susan L. Parulski/law
Rochester, NY 14650-2201
Telephone: (585) 477-4027
Facsimile: (585) 477-4646